IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

KEVIN CURRAN, Individually and on Behalf of All Others Similarly Situated,)))
Plaintiff,))
v.) Case No. 1:17-cv-07930
BAYER HEALTHCARE LLC,) Judge Jorge L. Alonso
Defendant.	Magistrate Judge Young B. Kim
)
))

DEFENDANT BAYER HEALTHCARE LLC'S MOTION FOR STAY

Defendant Bayer Healthcare LLC, by its undersigned counsel, respectfully moves for a stay of discovery and of the minute order "requir[ing] the parties to comply with the order entered on April 17, 2018." Dkt. No. 70. In support of this motion, Bayer states as follows:

- The Court dismissed Plaintiff's complaint without prejudice on Wednesday, May 30, 2018.
 Dkt. No. 69. The Court granted Plaintiff leave to file an amended complaint on or before
 June 25, 2018.
- 2. Shortly after that dismissal, a docket entry was made that states: "MINUTE entry before the Honorable Young B. Kim: This court requires the parties to comply with the order entered on April 17, 2018, (R. 61)." *See* Dkt. No. 70.

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3. Bayer seeks a stay of that order and of discovery because there is currently no operative

complaint in this case. Pursuant to Fed. R. Civ. P. 26(b)(1), the scope of discovery is limited

to "nonprivileged matter that is relevant to any party's claim or defense and proportional to

the needs of the case." At present, however, because there is no live or viable complaint,

there is no "claim or defense" to which discovery could be relevant.

4. In addition, through this District's Pilot Program, Bayer has already produced a significant

amount of material to Plaintiff. Producing additional materials would be burdensome, and

Bayer should not have to undertake those burdens when no viable claim or defense is

pending.

WHEREFORE, Bayer respectfully requests that this Court stay the minute entry and all

discovery in this case pending the filing of an amended complaint that survives a motion to

dismiss. In the alternative, and at a minimum, Bayer requests that the Court order Plaintiff to

post a bond to cover Bayer's ongoing discovery costs unless and until Plaintiff files an amended

complaint that is not dismissed.

Respectfully submitted,

By: /s/ Eugene A. Schoon

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Dated: June 4, 2018

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2018, a copy of the foregoing was electronically filed in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system. Parties may access this filing through the court's system.

/s/ Eugene A. Schoon